

### **REMARKS**

Claims 5 to 7, 9, and 11 to 23 are pending and under examination in this application. Claims 5 and 12 have been amended and constitute no new matter support for which can be found generally in the specification and drawings.

#### Claim rejection under 35 U.S.C. § 102

The Examiner rejected claims 5 to 7, 9, 11 to 13, 15, 16, 18 and 20 to 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,790,812 to Hawskin et al. (Hawskin).

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to advance prosecution. Claim 5 has been amended to recite that the treatment catheter has a distal portion that carries an expandable treatment device, the treatment device being expandable from an unexpanded configuration where an outer wall of the treatment device has a first diameter to an expanded configuration where the outer wall has a second diameter, the second diameter being greater than the first diameter. Claim 5 has additionally been amended to recite that the vessel is expanded at the treatment site by expanding the treatment device from the unexpanded configuration to the expanded configuration. Hawskin neither teaches nor suggests that the treatment catheter has a distal portion that carries an expandable treatment device, the treatment device being expandable from an unexpanded configuration where an outer wall of the treatment device has a first diameter to an expanded configuration where the outer wall has a second diameter, the second diameter being greater than the first diameter. Further, Hawskin does not teach nor suggest that the vessel is expanded at the treatment site by expanding the treatment device from the unexpanded configuration

to the expanded configuration. Claims 6, 7, 9, 11, 15, 16, and 18 depend from claim 5 and thus are believed to be allowable for the reasons stated above.

Claim 12 has been amended to recite that the radially expandable member is expandable from a delivery configuration where an outer wall of the treatment device has a first diameter to an expanded configuration where the outer wall has a second diameter, the second diameter being greater than the first diameter. Hawskin neither teaches nor suggests that the radially expandable member is expandable from a delivery configuration where an outer wall of the treatment device has a first diameter to an expanded configuration where the outer wall has a second diameter, the second diameter being greater than the first diameter. Claims 13 and 20 to 22 depend from claim 12 and thus are believed to be allowable for the reasons stated above.

Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

Claim rejection under 35 U.S.C. § 103

The Examiner rejected claims 14 and 16 to 23 under 35 U.S.C. § 103(a) as being obvious over Hawskin in view of U.S. Patent No. 4,425,908 to Simon.

Applicants respectfully traverse this rejection. As set forth above claims 5 and 12, the only independent claims, distinguish over Hawkins for the reasons stated. Simon does not correct the deficiencies of Hawkins in connection with claims 5 and 12. Claims 14 and 16 to 23 depend from either claim 5 or claim 12 and add further limitations. Therefore, claims 14 and 16 to 23 are allowable for at least the same reasons as claims 5 and 12. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

Conclusion

In view of the above amendments and remarks, Applicants believe claims 5 to 7, 9, and 11 to 23 are allowable and respectfully request that the Examiner withdraw the rejections of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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